REMARKS

In an Office Action mailed on December 12, 2001, claims 1-6, 8-22 and 24-40 were rejected under 35 U.S.C. § 102(a) as being anticipated by Apfel; and claims 7 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Apfel in view of alleged admitted prior art. These rejections are discussed in the corresponding sections below. Newly added claims 41-44 are patentable over this cited art.

Rejections of Claims 1-16:

The method of claim 1, as amended, includes identifying a first version of a software module that is installed on a computer system and is associated with the circuitry of the computer system. A second version of the software module is identified. The method includes automatically determining whether the second version is more current than the first version and whether the second version is compatible with the circuitry. The result of the determination is indicated. A possible advantage of this arrangement is that a particular peripheral, for example, of a computer system may not be compatible with driver modules, for example, that have been released after a specific date.

In contrast, Apfel neither teaches nor suggests determining whether the second version of the software module is compatible with circuitry that is associated with a first version of a software module. In this manner, Apfel teaches determining whether a more recent version of a particular software package exists. However, Apfel neither teaches nor suggests determining whether this more recent version is compatible with circuitry of a particular computer system. Thus, Apfel neither teaches nor suggests all the limitations of amended claim 1.

Claims 2-16 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 17-40:

As amended, the programmable storage device of claim 17 includes instructions to cause a programmable control device to identify a first version of a software module associated with circuitry installed on the computer system and identify a second version of the software module. The instructions cause the programmable control device to determine whether the second version

of the software module is more current than the first version of the software module and to determine whether the second version is compatible with the circuitry.

See discussion of claim 1 above. In particular, Apfel neither teaches nor suggests instructions to cause a programmable control device to determine whether a second version of a software module is compatible with circuitry that is associated with the software module. Therefore, Apfel neither teaches nor suggests all of the limitations of claim 17.

Claims 18-40 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, the Assignee requests withdrawal of the §§ 102 and 103 rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (MICT-0088-US).

Respectfully submitted,

Date: December 26, 2001

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APPENDIX

The claims have been amended as follows:

1. (Amended) A method [to update a software module,] comprising:

identifying a first version of a [the] software module, the software module being installed on a computer system and being associated with circuitry of the computer system;

identifying a second version of the software module;

automatically determining whether the second version is more current than the first version and whether the second version is compatible with the circuitry [determining which of the first version and the second version of the software module is most current]; and

indicating the result of the determination [that version of the software module determined to be most current].

17. (Amended) A program storage device, readable by a programmable control device, comprising:

instructions stored on the program storage device for causing the programmable control device to

identify a first version of a software module, the software module being installed on a computer system and being associated with the circuitry of the computer system;

identify a second version of the software module;

automatically determine whether the second version is more current than the first version and whether the second version is compatible with the circuitry [determine which of the first version and the second version of the software module is most current]; and

indicate the result of the determination [that version of the software module determined to be most current.